

Malibu City Council
Amended¹ Regular Meeting Agenda

Monday, July 9, 2001

5:00 P.M. - CLOSED SESSION
City Hall - Large Conference Room
23555 Civic Center Way

6:30 P.M. - REGULAR CITY COUNCIL MEETING
HRL Auditorium
3011 Malibu Canyon Road

Five p.m. Closed Session

This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to existing litigation pursuant to Government Code Sections 54956.9(a) and 54956.8. The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.

Existing litigation per Government Code Section 54956.9 (a):

1. Gibbs v. City of Malibu
Los Angeles County Superior Court Case No. BS0593621
2. Lavine v. City of Malibu
Los Angeles County Superior Court Case No. SS 008071
3. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
4. Hoffman v. City of Malibu
Los Angeles County Superior Court Case No. SC061012
- 4.a. Malibu Township Council v. City of Malibu, et al.
Los Angeles County Superior Court Case No. SC067214

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

5. Property: Tract No. 46964 (5 lots)
City Negotiator: City Attorney

¹ See new Closed Session Agenda Item No. 4.a.

Property Negotiator: D.L. Malibu, Inc.

Six-thirty p.m. **Regular Session**

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - June 29, 2001

1. Ceremonial/Presentations

A. Swearing in of Youth Commissioners

2. Written and Oral Communications from the Public

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

3. Consent Calendar

A. Previously Discussed Items

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin 456-2489 ext. 228

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 16867 through 16956 listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 237 in the amount of the warrant appearing opposite

their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$312,052.29.

Staff contact: Administrative Services Director James 456-2489 ext. 224

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: Acting City Manager Lichtig 456-2489 ext. 226

As a result of the rainstorms in early March, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

4. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes of May 14, 2001 and May 29, 2001.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

5. Resolution Recognizing July as Recreation and Parks Month

Staff recommendation: Adopt Resolution No. 01-35 recognizing July as Parks & Recreation Month in the City of Malibu

Staff contact: Parks and Recreation Director Adams 317-1364

4. Ordinances and Public Hearings

This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Items 4.A. and 4.B. to be heard concurrently.

- A. Special Bond Election

Staff recommendation: Consider placing a \$15 million bond measure on the ballot in November 2001. If the Council decides to place this bond measure on the November 2001 ballot then adopt appropriate resolutions and ordinance.

Staff contact: Acting City Manager Lichtig 456-2489 ext. 226

B. Authorization to engage Bond Counsel and a Financial Advisor should there be a Special Bond Election in November 2001

Staff recommendation: If Council intends to proceed with November Special Bond election, approve Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth, and authorize the use of Public Resources Advisory Group (PRAG) for financial advisory services.

Staff contact: Acting City Manager Lichtig 456-2489 ext. 226

C. Zone Text Amendment No. 01-002, an amendment to Section 9.3.55.E. of the Sign Ordinance to allow logos for signs in a shopping center

Staff recommendation: Introduce on first reading Ordinance No. 223, adopting Citywide Zone Text Amendment No. 01-002, amending Section 9.3.55(E) of the Malibu Municipal Code regarding sign logos within shopping centers.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This amendment would allow the use of corporate logos on signs in shopping centers with specific limitations on sign size. Adoption of this amendment would also simplify the process for approving renovations and redesigns for “grandfathered” signs.

D. Zone Text Amendment No. 01-004 and Negative Declaration No. 01-004, a proposal to amend Section 9.1.20 of the Malibu Municipal Code by adding Section 9.1.23, Enforcement of Provisions regarding Calvo Exemptions to the Coastal Act.

Staff recommendation: Introduce on first reading Ordinance No. 224 adopting Negative Declaration No. 01-004 and approving Zone Text Amendment 01-004 amending Section 9.1.20 of the Malibu Municipal Code by implementing Section 9.1.23, the Calvo Exemption Provisions of the Coastal Act (City-Wide).

Staff contact: Planning Director Hogan 456-2489 ext. 234

This item is for consideration of adoption of a state authorized exemption from the requirement to obtain a coastal permit in limited cases involving the construction of a single family residence. In order to utilize this exemption, the zoning ordinance must be amended. This ordinance would add a new section to the General

Requirements Chapter 9.1.20 to allow Calvo Exemptions to the Coastal Act for projects in Malibu.

E. Consideration of Local Coastal Program

Staff recommendation: CONTINUE TO JULY 23, 2001.

Staff contact: Planning Director Hogan 456-2489 ext. 234

The Coastal Act requires all cities in the Coastal Zone to adopt a program to implement the State's Coastal Policies. This item would approve the City's program which would then be transmitted to the Coastal Commission for certification.

F. APPEAL NO. 01-002 – An appeal of the Planning Commission's decision [Planning Commission Resolution Nos. 00-046(A-F)] to deny a project for a new single-family residence based on view blockage of the Pacific Ocean to a neighboring residence.

Staff recommendation: Continue to July 23, 2001.

Staff contact: Planning Director Hogan 456-2489 ext. 234

5. Old Business

6. New Business

A. Appointment by Mayor House to the Malibu Trails Master Plan Advisory Committee

Recommendation: Mayor House to appoint a Committee member to the Trails Master Plan Advisory Committee.

B. Touch Screen Voting

Staff recommendation: Defer action until Los Angeles County makes a determination on shared use of equipment or technology advances have progressed related to alternative voting systems.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

Adjournment

Future Meetings

Mon., July 23, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., July 25, 2001	6:30 p.m.	Quarterly City Council Meeting	City Hall

Mon., August 13, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., August 27, 2001	Cancelled	Regular City Council Meeting	HRL Auditorium

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items set for Public Hearing commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are

supportive or opposed to either the recommended action or the motion before the City Council for decision. Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

City Council Items are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired on City of Malibu Government Access Channel 15. Broadcasts on Channel 15 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23555 Civic Center Way, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]